

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

KATHRYN MILLER, )  
                    )  
Plaintiff,       )  
                    )  
v.                 ) C.A. No. 05-CV-145 GMS  
                    )  
GEOX USA, INC., and GEOX SPA, )  
                    )  
Defendants.       )

**MOTION TO DISMISS**

Pursuant to F.R.C.P. 12(b)(6), Defendants, Geox USA, Inc. and Geox, SPA, hereby move to dismiss Plaintiff's claims because they fail to state a claim upon which relief may be granted. Defendant, Geox SPA further moves this Court to dismiss this action pursuant to F.R.C.P. 12(b) (2) for lack of personal jurisdiction. The grounds for this dismissal are more fully set forth in Defendants' Opening Brief in Support Of Their Motion To Dismiss, filed simultaneously herewith.

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Dated: May 10, 2005

**CERTIFICATE OF SERVICE**

I hereby certify that on May 10, 2005, I electronically filed a true and correct copy of the foregoing Motion to Dismiss with the Clerk of the Court using CM/ECF, which will send notification that such filing is available for viewing and downloading to the following counsel of record. A courtesy copy of such Motion to Dismiss was also hand delivered to the following counsel of record on this date.

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